UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/100,100	06/19/98	ROSS JR. J	RLIS

TM02/0409

MARK JOY
LEYDIG, VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA
SUITE 4900
CHICAGO IL 60601-6780

EXAMINER	
KANOF, P	
ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 04/09/01 16

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/100,100	Applicant(s) Ross, Jr.
	Examiner Pedro R. Kanof	Group Art Unit 2765

☒ Responsive to communication(s) filed on *Dec 2, 2000* .

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *25-29 and 37-65* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *25-29 and 37-65* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 102

1 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 25-27, 37-39, 42-45, 51, 55, 56 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Goltra (U.S. Patent No. 5,802,495).

Claims 25 and 37: Goltra discloses a method of medical language generation from data, comprising storing sentences and phrases related to medical data in peripheral CPU's, inputting patient data, transferring patient data to file servers and tabling patient data, transferring the tabled patient data to the CPU's and compiling sentences and paragraphs in the CPU's from the stored sentences and phrases and the patient data, whereby stored medical facts are converted into sentence structure (Col. 2, lines 30-46 and 66-67, and Col. 3, lines 1-22).

Claims 26 and 38: Goltra discloses the method of claim 25, further comprising the rearrangement of medical facts in the sentence structure into a medically appropriate order (Col. 3, lines 23-25).

Claims 27 and 39: Goltra discloses the method of claim 26, further comprising the automatic consolidation of automatically generated medical English text with patient-related stored text (such as dictated transcripts) (Col. 3, lines 25-29).

Claims 42 and 55: Goltra discloses a method and a system for computer-aided generation of patient medical documentation assembled from a combination of sources including user supplied text, system supplied pre-phrased text retrieved from a database in accordance with a specified pre-phrased text identifier, and text generated from input medical data facts, said method comprising the steps of:

associating multiple pieces of information regarding a patient with a patient medical information record, the multiple pieces of medical information, comprising:

input text of the type generally arising from transcribed dictation,

pre-phrased text retrieved from an electronic data storage apparatus and associated with a pre-phrased text identifier, and

medical data facts (Col. 3, lines 23-36),

wherein inputs relating to the multiple pieces of information regarding the patient are received by a medical information input interface providing random access to at least one of a set of medical information fields associated with the patient medical information record,

receiving an identification of a patient medical document type; and

generating, by a computer system under software control, a patient medical document based upon at least a portion of the multiple pieces of information regarding the patient and an information specification corresponding to the patient medical document type identification that specifies the portion of the multiple pieces of information to be included in the patient medical document, said generating step comprising, in any order:

first inserting the input text at locations within the patient medical document in accordance with a text type associated with each distinguished portion of the input text (Col. 3, lines 36-49),

second inserting text corresponding to the pre-phrased text retrieved from an electronic data storage apparatus (Col. 3, lines 52-65), and

third inserting text generated in accordance with the medical data facts (Col. 3, lines 49-51).

Claim 43: Goltra discloses a method of claim 42 wherein the text generated in accordance with the medical data facts is generated in accordance with a medically logical sequence (Col. 3, lines 65-67 and Col. 4, lines 1-12).

Claim 44: Goltra discloses a method of claim 42 wherein the step of generating a patient medical document further comprises generating heading text in accordance with the patient medical document type designation (Col. 3, lines 13-18).

Claims 45 and 56: Goltra discloses a method and a system of claims 42 and 55 wherein the step of generating a patient medical document further comprises arranging the multiple pieces of information regarding the patient in accordance with the medical document type designation (Col. 3, lines 19-26).

Claim 51 and 62: Goltra discloses a method and a system of claims 42 and 55 further comprising providing a set of selectively activated input modules facilitating prompted input of information relating to care for a patient (Col. 4, lines 27-29).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 28, 29, 40, 41, 46, 48-50, 52-54, 57, 59-61 and 63-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goltra (U.S. Patent No. 5,802,495).

Claims 28, 29, 40 and 41: Goltra discloses the method of claims 27, 39 and 41. However, Goltra does not disclose the step of automatically insertion of headlines and sub headlines where appropriate nor the automatically using of bold, italic, and larger text sizes to

emphasize important medical sections or information. Official notice is taken that those steps are well known within the art to emphasize important information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to emphasize important information. One would have been motivated to use this procedure in order to facilitate the reading of the patient medical document and to saving time in the medical decision process making.

Claims 46, 48, 49, 57, 59 and 60: Goltra discloses the method and system of claims 42, 45, 55 and 56. However, Goltra does not disclose that when the patient medical document is a patient medical report or the nurse notes that the text generated is medical text. Official notice is taken that those steps are well known within the art and are currently used in the day to day management and updating of patient records. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to update the patient records. One would have been motivated to use this procedure in order to include inputs about the patient status from different professionals, with different relevance throughout the entire day.

Claims 50 and 61: Goltra discloses the method and system of claims 42 and 55. However, Goltra does not disclose the step of providing an editing tool to modify specified pre-phrased text. Official notice is taken that this step is are well known within the art and is currently used in the text processing art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use that step to modify specified

pre-phrased text. One would have been motivated to include modifying specified pre-phrased text in order to increase the flexibility in the text processing.

Claims 52- 54 and 63- 65: Goltra discloses the method and system of claims 42 and 55. .However, Goltra does not disclose the steps of providing a security mechanism facilitating limiting access to particular users, recording a time at which a particular piece of information is submitted for a patient medical record, nor recording an identity of a logged on user that supplied a particular piece of information stored in the patient medical information record. Official notice is taken that those steps are well known within the art and are currently used in the security data processing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use these steps to guarantee the patient's privacy. One would have been motivated to use this security procedures in order to minimize the risk of inappropriate diffusion of personal data.

5. Claims 47 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goltra (U.S. Patent No. 5,802,495) in view of Tallman et al. (U.S. Patent No. 5,764,923).

Goltra discloses the method and system of claims 45 and 56. However, Goltra does not explicitly disclose wherein the patient medical document is a triage record. Tallman discloses such as step (Col. 11, lines 29-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that one type of patient medical document could include a triage record. One would have been motivated to include a triage record as the patient

medica document in order to include all pertinent data in the case to provide the filles support for diagnosis and therapeutic decisions.

Oath/Declaration

6. With regard to Applicant's 131 Affidavit, the supporting evidence is not of "character and weight" (37 CFR 131 (b)) as to establish reduction to practice prior to the affective date of the reference. Applicant claims a reduction to practice prior to March 1, 1996. Exhibit B has a copyright of 1998, 1999. This poses a problem for the Examiner in concluding that the invention was reduced to practice prior to March 1, 1996. Applicant in paragraph 7 states that, if requested, additional proof will be submitted to provide evidence that Applicant's invention was reduced to practice prior to March 1, 1996.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***This Action is being made Final***. If Applicant submits additional evidence and the evidence places this case in condition for allowance the submission will be entered. On the other hand, if on its face any submitted evidence does not place this case in condition for allowance and

further consideration is needed, Applicant's submission will not be entered. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Pedro R. Kanof whose telephone number is (703) 308-9552. The examiner can normally be reached on weekdays from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Vincent Millin, can be reached on (703) 308-1065. The fax phone number for this Group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

PRK-3-30-01.

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100